

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 27689 Permit 19568

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, ADDING
ENDANGERED OR THREATENED SPECIES TERM, AND
AMENDING THE PERMIT**

WHEREAS:

1. Permit 19568 was issued to Edge Hill Farms on July 8, 1985 pursuant to Application 27689.
2. Permit 19568 was subsequently assigned to Louis M. Martini and then to Esperanza Ranches.
3. A petition for an extension of time in which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board on January 27, 1999.
4. The State Water Resources Control Board has determined that the petition for an extension of time in which to develop the project and apply the water to the proposed use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
6. Fish, wildlife, and plants species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

Complete application of the water to the proposed use shall be made by December 31, 2009.

(0000009)

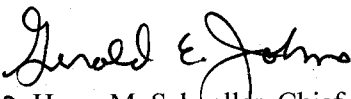
Application 27689 Permit 19568

2. Paragraph 21 of the permit is added to read as follows:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 5131 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

Dated: 11/5/99


for Harry M. Schueller, Chief
Division of Water Rights

ORDER (10/98)

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27689 PERMIT 19568 LICENSE over

**ORDER TO APPROVE A NEW DEVELOPMENT SCHEDULE,
AND AMEND THE PERMIT**

WHEREAS:

1. Permit 19568 was issued to Edge Hill Farms, Inc. on July 8, 1985 pursuant to Application 27689.
2. A petition for an extension of time within to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1993

(0000008)

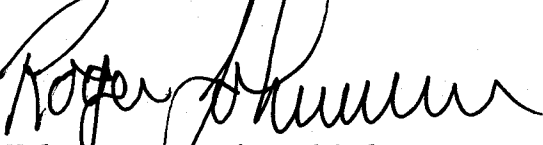
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

Dated: **AUGUST 09 1990**



Walter G. Pettit, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19568

Application 27689 of Edge Hill Farms, Inc.
P. O. Box 112, St. Helena, CA 94584

filed on March 14, 1983, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

| 1. Source: | Tributary to: |
|----------------|-----------------------------|
| Unnamed Stream | Perini Creek thence |
| | Seigler Canyon Creek thence |
| | Cache Creek thence |
| | Yolo Bypass |
| | |
| | |

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridian |
|--|---|---------|----------|-------|-------------------|
| 2,350 feet North and 2,650 feet West of SE corner Section 16 | NE¼ of SW¼ | 16 | 12 N | 7W | MD |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

County of Lake

| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acres |
|--------------------|-------------------------------|---------|----------|-------|-------------------|-------|
| Recreation | Lake Perini within NE¼ of SW¼ | 16 | 12 N | 7W | MD | |
| Irrigation | W½ | 16 | 12 N | 7W | MD | 200 |
| | SE¼ | 17 | 12 N | 7W | MD | 130 |
| | | | | | Total | 330 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 45 acre-feet per annum to be collected from November 1 of each year to May 31 of the succeeding year.

0000005

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

0000005

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

0000006

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

0000007

8. Construction work shall be completed by December 1, 1988.

0000008

9. Complete application of the water to the authorized use shall be made by December 1, 1989.

0000009

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

0000010

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

0000011

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

0000012

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

0000013

14. Permittee shall, when required by the State Water Resources Control Board, install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Permittee shall submit plans and specifications of the outlet pipe or the alternative to the Chief of the Division of Water Rights for approval within 6 months of the date upon which the Board issues notice that an outlet is required. Permittee shall furnish evidence which substantiates that an outlet or alternative has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

0050044

15. For the protection of fish and wildlife, permittee shall bypass the following minimum flows or the natural stream flow, whichever is less.

- a. From November 1 through February 28, (29), 0.25 cubic feet per second until the reservoir fills, then permittee shall bypass 2.0 cubic feet per second.
- b. From March 1 through April 30, a minimum of 0.5 cubic foot per second.
- c. From May 1 through May 31, a minimum of 0.25 cubic foot per second.

The bypass flow shall be measured at the confluence of Perini Creek and the unnamed stream and include the accumulative flow of both streams.

During the peiod of March 2 through May 31, permittee shall direct bypass flows around the reservoir to minimize increases in water temperature.

0140060

16. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flow required by the conditions of this permit. Said measuring device shall be properly maintained.

0060062

17. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until permittee has entered into a stream or lake alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of permittee.

0000063

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

JULY 8 1985

STATE WATER RESOURCES CONTROL BOARD

Raymond Wash

Chief, Division of Water Rights